

Application Serial No. 10/786,790  
Reply to Office Action of March 22, 2010

PATENT  
Docket: CU-3608

### REMARKS

In the Office Action, dated March 22, 2010, the Examiner states that Claims 5 and 23-27 are pending and rejected. By the present Amendment, Applicant amends the claims.

#### Rejections under 35 U.S.C. §103(a)

Claims 5 and 23-27 are rejected under 35 U.S.C. §103(a) as being unpatentable over Kobayashi et al. (EP 0 932 081) in view of Yoichi et al. (JP 2000-053421). Applicant respectfully disagrees with and traverses these rejections.

The Office Action considers that the skilled person could have easily anticipated using a sol solution of titanium oxide which is a mixture of titanium oxide and a alkyl silicate and is stable in a neutral range (pH=5 to 9) over the producing method of Kobayashi (EP 0932081) in view of Yoichi (JP 2000-053421). Further, the Office Action considers that the case law found it obvious to limit a mixing order of ingredients in a mixing method when the prior art discloses the mixing method of the ingredients. Lastly, the Office Action considers that, over Kobayashi and Yoichi, the skilled person could have easily discovered a method of producing a coating solution for forming a wettability-varied patter, which is the same as Claim 5 where a sol solution of titanium oxide, having alkyl silicate mixed and being stable in a neutral range, and fluoroalkylsilane are prepared separately and then mixed afterward.

At the outset, Applicant indicates that Claims 5 and 24 are currently amended. Support for the amendments can be found in paragraphs [0095] – [0098] of US 2004/0223926 (patent application publication of the present application). In the amended claims, it becomes clear that the solution of hydrolyzed fluoroalkylsilane prepared in an acidic condition is adjusted to be neutral (pH=5 to 7) first and then, mixed with the sol solution of titanium oxide.

Further, as explained in paragraph [0095] of US 2004/0223926, it is necessary to hydrolyze a siloxane compound in an acidic condition in order to obtain fluoroalkylsilane. The method of producing a coating solution recited in the amended Claim 5 attains the effect of producing a coating solution without destroying a state where titanium oxide is finely dispersed by taking the following method: the fluoroalkylsilane produced in an acidic condition is adjusted to neutral (pH=5 to 7) first, and then mixed with separately-prepared neutral sol solution of titanium oxide.

Accordingly, even when the skilled person prepares a sol solution of titanium

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oxide and fluoroalkylsilane separately and then mixes them together over Kobayashi and Yoichi, the above-mentioned effect cannot be attained without the step of adjusting the fluoroalkylsilane prepared in the acidic condition to neutral. Applicant respectfully asserts that none of the prior art teaches or suggests the adjustment of the fluoroalkylsilane prepared in the acidic condition to neutral.

To support a *prima facie* case of obviousness, the Office Action must establish "a finding that the prior art included each element claimed, although not necessarily in a single prior art reference, with the only difference between the claimed invention and the prior art being the lack of actual combination of the elements in a single prior art reference." Examination Guidelines for Determining Obviousness Under 35 U.S.C. 103 in view of *KSR International Co. v. Teleflex Inc.*, 72 Fed. Reg. 57,526 (Oct. 10, 2007). Since the prior art does not teach or suggest each and every feature or step of the presently claimed invention, Applicant respectfully asserts that a *prima facie* case of obviousness cannot presently be established.

Since independent Claim 5 is allowable over the prior art, Applicant asserts that all claims depending therefrom are allowable for at least the same reasons, as well as for the features that they recite. As such, Applicant respectfully requests withdrawal of the present rejection under 35 U.S.C. §103(a).

In light of the foregoing response, all the outstanding objections and rejections are considered overcome. Applicant respectfully submits that this application should now be in condition for allowance and respectfully requests favorable consideration.

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Date

Respectfully submitted,



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